

To:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court United States District Court for the Western District of Washington on the following: Patents or X **Trademarks**:

<b>DOCKET NO.</b>	<b>DATE FILED</b>	<b>US District Court</b> United States District Court for the Western District of Washington
2:08-cv-01306-JLR	8/29/08	
<b>PLAINTIFF</b>		<b>DEFENDANT</b>
W Sternoff LLC		Trigg Laboratories, Inc
<b>PATENT OR TRADEMARK NO.</b>	<b>PATENT OR TRADEMARK NO.</b>	<b>PATENT OR TRADEMARK NO.</b>
1. See attached	6.	11.
2. 2,060,911	7.	12.
3.	8.	13.
4. 2,307,783	9.	14.
5.	10.	15.

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

<b>DATE INCLUDED</b>	<b>INCLUDED BY</b>	
	Amendment <u>    </u> Answer <u>    </u> Cross Bill <u>    </u> Other Pleading <u>    </u>	
<b>PATENT OR TRADEMARK NO.</b>	<b>PATENT OR TRADEMARK NO.</b>	<b>PATENT OR TRADEMARK NO.</b>
1.	6.	11.
2.	7.	12.
3.	8.	13.
4.	9.	14.
5.	10.	15.

In the above entitled case, the following decision has been rendered or judgment issued:

<b>DECISION/JUDGMENT</b>
--------------------------

<b>CLERK</b>	<b>(BY) DEPUTY CLERK</b>	<b>DATE</b>
Bruce Rifkin	Rachel Evans	9/3/08

FILED ENTERED  
LOGGED RECEIVED

AUG 29 2008

RE

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

08-CV-01306-CMP

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

W STERNOFF LLC, a Washington limited  
liability company,

Plaintiff,

v.

TRIGG LABORATORIES, INC., a California  
corporation,

Defendant.

NO. **C08-1306**

VERIFIED COMPLAINT FOR  
TRADEMARK INFRINGEMENT,  
BREACH OF THE WASHINGTON  
STATE CONSUMER PROTECTION  
ACT, AND INJUNCTIVE RELIEF

**JURY TRIAL REQUESTED**

**COMES NOW** the plaintiff W STERNOFF LLC and states its complaint as follows:

**PARTIES AND JURISDICTION**

1. Plaintiff W STERNOFF LLC ("Sternoff") is a Washington limited liability company with its headquarters and principal place of business in Bellevue, King County, Washington. Sternoff, doing business as BODYGLIDE, manufactures, markets and distributes a line of medicated and non-medicated skin care products under its BODY GLIDE and BODYGLIDE trademarks.

2. Defendant TRIGG LABORATORIES, INC. ("Trigg") is a California corporation with its headquarters and principal place of business in Valencia, California. Trigg manufactures, markets and distributes personal lubricant products for sexual intimacy

VERIFIED COMPLAINT FOR TRADEMARK  
INFRINGEMENT - 1

ORIGINAL



Ryan, Swanson & Cleveland, PLLC  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101-3034  
206.464.4224 | Fax 206.563.0359

SEA 20117 Summons Issued

1 under the brand names Wet and Wet International.

2 3. This Court has original subject matter jurisdiction over Sternoff's complaint  
3 for trademark infringement, which arises under 15 U.S.C. §1121(a) and 28 U.S.C. §1338(a).  
4 This Court has supplemental jurisdiction over Sternoff's state law unfair competition claims  
5 pursuant to 28 U.S.C. §1338 (b).

6 4. This Court also has subject matter jurisdiction over this matter pursuant to  
7 28 U.S.C. §1332, in that there is complete diversity of all parties and the amount in  
8 controversy is estimated to exceed \$75,000 exclusive of interest and costs.

9 5. This Court has personal jurisdiction over the defendant Trigg pursuant to  
10 R.C.W. 4.28.185(1)(a) because Trigg transacts business in King County, Washington State  
11 and infringes Sternoff's trademark rights by selling its infringing products in retail outlets  
12 located in King County, Washington.

#### 13 **FACTS**

14 6. Sternoff is the registrant and owner of the United States Trademark  
15 Registration No. 2,060,911 for the mark BODY GLIDE, issued May 13, 1997, for  
16 "non-medicated skin care lotion in the nature of a superficial epidermal anti-chafing balm" in  
17 Class 3. This registration is in good standing and has gained incontestable status. The  
18 registration is based on use in commerce since January 1996.

19 7. A certified copy of Registration No. 2,060,911 and a separate printout of the  
20 registration that is available online through the United States Patent and Trademark Electronic  
21 Search System are attached to this Complaint as Exhibit A.

22 8. Sternoff is the registrant and owner of the United States Trademark  
23 Registration No. 2,307,753 for the mark BODYGLIDE, issued January 11, 2000, for  
24 "analgesics" in Class 5. This registration is in good standing and has gained incontestable  
25 status. The registration is based on use in commerce since July 1998.

26  
VERIFIED COMPLAINT FOR TRADEMARK  
INFRINGEMENT - 2

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9. A certified copy of Registration 2,307,753 and a separate printout of the registration that is available online through the United States Patent and Trademark Electronic Search System are attached to this Complaint as Exhibit B.

10. Sternoff, doing business as BODYGLIDE, manufactures, nationally markets, distributes and sells its branded line of topical skin products through sporting goods, pharmacy and Internet retailers for (i) skin protection (prevents blisters, chafing, dry skin, rashes); (ii) sun protection (skin care protection products with sun screen); and (iii) pain relief for muscles and joints (for minor pain, soreness, healing, circulation and joint flexibility) under its BODY GLIDE and BODYGLIDE trademarks.

11. Since 1996, BODY GLIDE and BODYGLIDE products have been marketed to athletes as well as the general public to reduce chafing, muscle soreness, foot discomfort and blistering, and to offer sunscreen protection that withstands sweat and swimming.

12. Sternoff sells its BODY GLIDE and BODYGLIDE products throughout the United States and internationally, through retail and online sporting good stores and pharmacies including Amazon.com and drugstore.com, and through distributors that resell Sternoff's products to independent retail stores. Sternoff's website [www.bodyglide.com](http://www.bodyglide.com) features general product information and an interactive search engine for individuals to locate nearby retail outlets to purchase products.

13. Sternoff markets and advertises its products through advertising in athletic/sporting media, exhibiting at trade shows aimed at athletic industry executives, retailers and distributors as well as the general consuming public, by providing sample products for competitors in athletic events, by sponsoring athletic events and supporting training of United States athletes for national and international competition, by seeking press coverage through media, and by advertising over the Internet.

14. Sternoff uses a variety of graphic styles, fonts and logos in connection with its inherently distinctive BODY GLIDE and BODYGLIDE marks.



1 15. True and correct copies of photographs of several of Sternoff's products  
2 bearing the BODY GLIDE and BODYGLIDE marks, as well as a newspaper article  
3 demonstrating an unsolicited product reference, and examples of Sternoff's advertisements in  
4 athletic trade publications are attached to this Complaint as Exhibit C.

5 16. By promoting and marketing its products, Sternoff consistently relies on and  
6 uses the inherently distinctive BODY GLIDE and BODYGLIDE marks and has spent large  
7 sums of money to promote and advertise the quality of its goods and foster goodwill in  
8 association with its products. Sternoff's marks have acquired secondary meaning.

9 17. On August 13, 2008, Mr. William Sternoff, the sole member of W Sternoff  
10 LLC, received an unsolicited email from Mr. Mark Sullivan, president of Formula 4 Media.  
11 Formula 4 Media is a New Jersey based publisher of athletic industry trade publications, and a  
12 producer of athletic industry trade shows, including the largest annual running industry show,  
13 "The Running Event."

14 18. Mr. Sullivan is familiar with BODY GLIDE and BODYGLIDE products and  
15 with Mr. Sternoff from Sternoff's long time marketing and advertising of the BODY GLIDE  
16 and BODYGLIDE line of products in athletic-targeted markets, including past "The Running  
17 Event" trade shows, and separately, the twice annual, largest outdoor and sporting goods trade  
18 shows, the "Outdoor Retailer Show."

19 19. Mr. Sullivan had received an unsolicited email press release from a public  
20 relations company, announcing, in the subject line, "Body Glide Kit for Athletes." The  
21 headline of the body of the email states, "WET International, Inc. Introduces Their New Body  
22 Glide Kit for Athletes."

23 20. In his email, Mr. Sullivan asked Mr. Sternoff, "Is this related to your  
24 company? If so, we'll give you some coverage for sure."

25 21. A true and correct copy of Mr. Sullivan's email to Mr. Sternoff of August 13,  
26 2008, including the forwarded email from the public relations company, is attached to this



1 Complaint as Exhibit D.

2 22. Mr. Sternoff responded to Mr. Sullivan that the attached press release did not  
3 originate from his company or relate to his BODY GLIDE or BODYGLIDE products.

4 23. The email from Mr. Sullivan was the first notice to Mr. Sternoff of the  
5 existence of Trigg or that Trigg was using Sternoff's BODY GLIDE or BODYGLIDE marks  
6 on or in connection with Trigg's products.

7 24. Mr. Sternoff researched Trigg and learned that defendant Trigg manufactures  
8 markets and distributes a line of personal lubricant products for sexual intimacy under the  
9 brand names Wet and Wet International. Trigg sells its Wet brand products throughout the  
10 United States and internationally, through retail and online pharmacies, and retail and online  
11 sex-related specialty shops.

12 25. On August 13, 2008 Mr. Sternoff purchased two packages of WET Platinum  
13 Premium Body Glide from the Rite Aid pharmacy located near the Sternoff office in  
14 Bellevue, Washington. The phrase "Premium Body Glide" appears directly on the product.

15 26. A true and correct copy of the receipt for Mr. Sternoff's purchase, with a  
16 photograph of one of the items purchased, is attached to this Complaint as Exhibit E.

17 27. Sternoff did not authorize or consent to Trigg's use of Sternoff's federally  
18 registered trademarks BODY GLIDE or BODYGLIDE on or in connection with Trigg's  
19 products.

20 28. Sternoff obtained a copy of the WET International, Inc. Body Glide Kit for  
21 Athletes. It is the type of "free sample" package that might be included in the registration  
22 bags for cycling or running events.

23 29. True and correct photographs of the contents and product packaging of the  
24 WET International, Inc. Body Glide Kit for Athletes obtained by Mr. Sternoff, with certain  
25 identifying labels added and certain text highlighted by Mr. Sternoff, are attached to this  
26 Complaint as Exhibit F.

VERIFIED COMPLAINT FOR TRADEMARK  
INFRINGEMENT - 5

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1           30. The words "Body Glide" are featured prominently on the package of many of  
2 the product samples received with the "Body Glide Kit for Athletes" as well as on the front  
3 cover of the "kit" package, in the headline and text of the kit packaging and promotional  
4 materials ("Body Glide is not Just for the Bedroom,") on photographs of the product  
5 packaging featured on coupons, on photographs of store display cartons available to retailers,  
6 and as part of the headlines and text of the brochure/catalogue included in the "kit."

7           31. As evidenced by its recent press release and in the text of materials in the "kit"  
8 which state, "Top trainers recommend using body glide to eliminate and/or reduce chaffing  
9 and blistering when running, biking and swimming," Trigg is targeting the athletic, and  
10 sporting goods markets for its personal lubricant products, where Sternoff's BODY GLIDE  
11 and BODYGLIDE products have long been advertised and sold. Thus, Trigg's products are  
12 directly competitive with Sternoff's products.

13           32. Sternoff is highly alarmed that many potential customers for its BODY GLIDE  
14 and BODYGLIDE products will have a negative emotional reaction if Sternoff's products are  
15 confused with sexual intimacy products marketed by Trigg.

16           33. Trigg is using Sternoff's BODY GLIDE and BODYGLIDE trademarks in  
17 interstate commerce by placing those word marks on Trigg products that are advertised,  
18 marketed and sold throughout the United States through retail outlets and online distributors.

19           34. Trigg's use of Sternoff's BODY GLIDE and BODYGLIDE marks on and in  
20 connection with its products is likely to cause confusion or mistake among members of the  
21 public as to the source or origin of the products, due to the exact same spelling, sound,  
22 meaning and appearance of the words.

23           35. Trigg's use of Sternoff's BODY GLIDE and BODYGLIDE marks on and in  
24 connection with its products is likely to deceive members of the public as to the source or  
25 origin of the products, due to the exact same spelling, sound, meaning and appearance of the  
26 words.



36. Trigg's use of Sternoff's BODY GLIDE and BODYGLIDE marks on and in connection with its products is an unfair or deceptive act, in that it contributes to the public's confusion as to the source or origin of goods.

37. Mr. Sullivan's email to Mr. Sternoff of August 13, 2008 is evidence of actual confusion as to the source or origin of the products being marketed by Trigg.

38. Trigg's use of Sternoff's registered trademarks BODY GLIDE and BODYGLIDE on its competing products, and the ensuing likely confusion among members of the industry media, distributors, industry executives and the general public, is causing and will continue to cause immediate and irreparable harm to Sternoff and must be enjoined by this Court.

**FIRST CAUSE OF ACTION  
TRADEMARK INFRINGEMENT/FEDERAL UNFAIR COMPETITION**

39. Plaintiff Sternoff hereby realleges paragraphs 1-38 as set forth above and incorporates them herein by this reference.

40. Plaintiff Sternoff's inherently distinctive trademarks are registered on the Principal Register of the United States Patent and Trademark Office and are entitled to protection under the federal trademark laws.

41. Defendant Trigg's use of the words "Body Glide" on and in connection with Trigg's own products infringes upon Sternoff's exclusive trademark rights in its marks BODY GLIDE and BODYGLIDE, in violation of 15 U.S.C. § 1114(1) and/or 15 U.S.C. § 1125(a), in that the public is likely to be confused, deceived or mistaken as to the source, origin or sponsorship of the defendant's goods or to erroneously believe that the defendant or its products are somehow connected with or affiliated with Sternoff.

42. Defendant Trigg's infringement of Sternoff's trademark is willful and deliberate and was done with intent to reap the benefit of Sternoff's goodwill in its BODY GLIDE and BODYGLIDE marks.

VERIFIED COMPLAINT FOR TRADEMARK  
INFRINGEMENT - 7

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43. Defendant Trigg's conduct is causing Sternoff immediate and irreparable injury, which may be difficult if not impossible to quantify.

44. As a result of Trigg's actions, Sternoff is entitled to the remedy of injunctive relief pursuant to 15 U.S.C. § 1116 to prevent further confusion of the public and to prevent further harm to Sternoff's reputation, goodwill and financial interests.

45. As a result of Trigg's actions, Sternoff is entitled to the remedies set forth in 15 U.S.C. § 1117, including an award of damages equal to three times Trigg's profits from sales of the infringing goods or three times the actual damages that Sternoff can prove, plus Sternoff's reasonable attorneys' fees and costs incurred in bringing this action to protect its marks.

**SECOND CAUSE OF ACTION  
BREACH OF WASHINGTON'S CONSUMER PROTECTION ACT**

46. Plaintiff Sternoff hereby realleges paragraphs 1-45 as set forth above and incorporates them herein by this reference.

47. Washington's Consumer Protection Act, RCW 19.86.020, prohibits unfair methods of competition and unfair and deceptive acts or practices in the conduct of any trade or commerce. Infringement of a trademark may give rise to a claim for relief under RCW 19.86, *et seq.*

48. The public interest is affected by unfair and deceptive practices that have the tendency to deceive the consuming public.

49. Defendant Trigg's use of the mark "Body Glide" on and in connection with Trigg's own products is an unfair and deceptive act in commerce. Trigg's actions are likely to confuse members of the public as to the source or origin of the products, given Sternoff's federally registered marks and longtime prior use of the marks BODY GLIDE and BODYGLIDE in connection with similar products in similar markets and trade channels.



1           50. Trigg's unfair and deceptive acts affect the public interest in being free from  
2 confusion in the market place, and are being repeated in retail locations and through online  
3 Internet sales and advertising portals throughout Washington, the United States and  
4 internationally.

5           51. Plaintiff Sternoff is suffering and will continue to suffer financial harm and  
6 harm to its reputation and goodwill if consumers, and members of the industry media and  
7 industry buyers are confused by Trigg's use of the mark "Body Glide" on and in connection  
8 with its products.

9           52. Sternoff is particularly concerned about harm to its reputation if Sternoff's  
10 products are linked to, connected or confused with Trigg's line of sexual intimacy products.

11           53. Pursuant to RCW 19.86.090, Sternoff is entitled to injunctive relief, actual  
12 damages, treble damages up to \$10,000 and an award of its attorneys' fees and costs.

13                           **REQUEST FOR INJUNCTIVE RELIEF**

14           54. Plaintiff Sternoff hereby realleges paragraphs 1-53 as set forth above and  
15 incorporates them herein by this reference.

16           55. Pursuant to 15 U.S.C. § 1116, 15 U.S.C. § 1125, RCW 19.86.090 and Fed. R.  
17 Civ. P. 65, this Court may grant Sternoff injunctive relief to prevent further harm to Sternoff  
18 and to avoid further confusion by the media, industry professionals, buyers, consumers and  
19 the general public.

20           56. Sternoff requests this Court enter an Order preventing and prohibiting Trigg  
21 from using the marks "Body Glide" or "BodyGlide" in any form, on or in connection with any  
22 of its products, including on the actual product, the packaging, and/or coupons, in marketing  
23 materials, press releases, product descriptions, product displays, articles, advertisements, and  
24 in the metadata associated with any online marketing or sales of its products.



**PRAYER FOR RELIEF**

**WHEREFORE**, plaintiff Sternoff prays for judgment as follows:

1. For compensatory, general, and special damages sustained by Sternoff by way of Trigg's acts of trademark infringement, unfair competition and consumer protection violations, in an amount to be determined at trial, pursuant to 15 U.S.C. § 1117 and RCW 19.86.090;

2. For treble damages and other augmented or exemplary damages pursuant to 15 U.S.C. § 1117;

3. For treble damages (up to \$10,000) pursuant to RCW 19.86.090;

4. For statutory damages, if any, pursuant to 15 U.S.C. § 1117;

5. For an accounting and disgorgement of all of Trigg's profits that were derived in any way from sales of products infringing, displaying or advertising any words, phrases, designs or the like that are confusingly similar to any of Sternoff's trademarks;

6. For an order requiring the impounding and/or destruction of all of Trigg's products, marketing and/or promotional materials and the like that infringe any of Sternoff's trademark rights or are likely to cause confusion with Sternoff's products;

7. For prospective relief to compensate Sternoff for the costs of immediate corrective advertising;

8. For Sternoff's attorneys' fees, costs and disbursements herein;

9. For prejudgment interest on the foregoing sums;


10. For injunctive relief as requested herein and by separate motion; and

11. For such other and further relief as the Court deems proper.

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VERIFIED COMPLAINT FOR TRADEMARK  
INFRINGEMENT - 10

 Ryan, Swanson & Cleveland, PLLC  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101-3034  
206.464.4224 | Fax 206.583.0359

1 DATED this 29th day of August, 2008.

2 RYAN, SWANSON & CLEVELAND, PLLC

3  
4 By Robin A. Schachter  
5 Robin A. Schachter  
6 WSBA #23970  
7 Attorneys for Plaintiff W. STERNOFF LLC

8 1201 Third Avenue, Suite 3400  
9 Seattle, Washington 98101-3034  
10 Telephone: (206) 464-4224  
11 Facsimile: (206) 583-0359  
12 [schachter@ryanlaw.com](mailto:schachter@ryanlaw.com)

13 VERIFICATION

14 The undersigned is the Member of W. Sternoff LLC. I have read the  
15 foregoing Complaint, know the contents thereof and believe the same to be true based on my  
16 personal knowledge.

17 W. STERNOFF LLC

18 By William A. Sternoff  
19 William Sternoff, member

20  
21  
22  
23  
24  
25  
26  
VERIFIED COMPLAINT FOR TRADEMARK  
INFRINGEMENT - II

1571601



Ryan, Swanson & Cleveland, PLLC  
1201 Third Avenue, Suite 3400  
Seattle, WA 98101-3034  
(206) 464-4224 | Fax 206.583.0359

# **EXHIBIT A**

2715417

# THE UNITED STATES OF AMERICA

~~TO ALL TO WHOM THESE PRESENTS SHALL COME:~~

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

August 19, 2008

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,060,911 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *May 13, 1997*

1st RENEWAL FOR A TERM OF 10 YEARS FROM *May 13, 2007*

SECTION 8 & 15

AMENDMENT/CORRECTION/NEW CERT(SEC7) ISSUED

SAID RECORDS SHOW TITLE TO BE IN:

*W STERNOFF LLC*

*A LIMITED LIABILITY COMPANY OF WASHINGTON*

By Authority of the

Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

*P. Swain*  
P. SWAIN

Certifying Officer



Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,060,911

United States Patent and Trademark Office

Registered May 13, 1997

Amended

OG Date May 13, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**BODY GLIDE**

SSM MARKETING LLC (CALIFORNIA  
LIMITED LIABILITY COMPANY),  
11726 SAN VICENTE BOULEVARD,  
SUITE 220  
LOS ANGELES, CA 90049  
NO CLAIM IS MADE TO THE EXCLU-  
SIVE RIGHT TO USE "BODY", APART  
FROM THE MARK AS SHOWN.

FOR: NON-MEDICATED SKIN CARE  
LOTION IN THE NATURE OF A SUPER-  
FICIAL EPIDERMAL ANTI-CHAFING  
BALM, IN CLASS 3 (U.S. CLS. 1, 4, 6,  
50, 51 AND 52).  
FIRST USE 1-9-1996; IN COMMERCE  
1-9-1996.  
SER. NO. 75-073,448, FILED 3-15-1996.

*In testimony whereof I have hereto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on May 13, 2003.*

**DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE**

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,060,911

**United States Patent and Trademark Office**

Registered May 13, 1997

**TRADEMARK  
PRINCIPAL REGISTER**

**BODY GLIDE**

SSM MARKETING LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
11726 SAN VICENTE BOULEVARD, SUITE 220  
LOS ANGELES, CA 90049

FOR: NON-MEDICATED SKIN CARE LOTION IN THE NATURE OF A SUPERFICIAL EPIDERMAL ANTI-CHAFING BALM, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BODY", APART FROM THE MARK AS SHOWN.

SER. NO. 75-073,448, FILED 3-15-1996.

CHERYL BUTLER, EXAMINING ATTORNEY





## United States Patent and Trademark Office

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## Trademarks &gt; Trademark Electronic Search System (TESS)

TESS was last updated on Fri Aug 15 04:10:47 EDT 2008

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NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[Logout](#) Please logout when you are done to release system resources allocated for you.Start List At:  OR [Jump](#) to record:  Record 13 out of 30

TARR Status	ASSIGN Status	TDR	TTAB Status
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 ( Use the "Back" button of the Internet Browser to return to TESS)

# Body Glide

Word Mark **BODY GLIDE**

Goods and Services **IC: 028. US 022 023 038 050. G & S: Exercise equipment, namely, ski skate machines, trampolines, stair stepping machines, stationary manual treadmills, manually operated multi-purpose home gym exercise equipment, weight lifting benches and bench accessories, and stationary exercise bicycles. FIRST USE: 20030701. FIRST USE IN COMMERCE: 20060901**

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77223530

Filing Date July 6, 2007

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition April 15, 2008

Registration Number 3456883

Registration Date July 1, 2008

Owner (REGISTRANT) Hupa International, Inc. CORPORATION CALIFORNIA 21717 Ferrero Pkwy

Walnut CALIFORNIA 91789

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Body" APART FROM THE MARK AS SHOWN

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

TESS HOME NEW USER STRUCTURE FEE FORM SHOW DOC SEARCH OG TOP HELP PREV LIST CURR LIST  
NEXT LIST FIRST DOC PREV DOC NEXT DOC LAST DOC

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## **EXHIBIT B**

1715417

# THE UNITED STATES OF AMERICA

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

August 19, 2008

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,307,753 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *January 11, 2000*

SECTION 8 & 15

LESS GOODS

SAID RECORDS SHOW TITLE TO BE IN:

*W STERNOFF LLC*

*A LIMITED LIABILITY COMPANY OF WASHINGTON*

By Authority of the

Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



P. SWAIN  
Certifying Officer

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 2,307,753

**United States Patent and Trademark Office**

Registered Jan. 11, 2000

**TRADEMARK  
PRINCIPAL REGISTER**

**BODYGLIDE**

SSM MARKETING, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
2308 ABBOT KINNEY  
VENICE, CA 90291

~~FOOD SUPPLEMENTS~~, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).  
FIRST USE 7-0-1998; IN COMMERCE 7-0-1998.

SN 75-297,172, FILED 5-23-1997.

FOR: TOPICAL PRODUCTS, NAMELY, ANALGESICS; ~~VITAMINS AND NUTRITIONAL~~

BARNEY CHARLON, EXAMINING ATTORNEY



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## Trademarks &gt; Trademark Electronic Search System (TESS)

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*( Use the "Back" button of the Internet Browser to return to TESS)*

## Typed Drawing

<b>Word Mark</b>	<b>BODYGLIDE</b>
<b>Goods and Services</b>	IC 005. US 006 018 044 046 051 052. G & S: topical products, namely, analgesics [ : vitamins and nutritional food supplements ]. FIRST USE: 19980700. FIRST USE IN COMMERCE: 19980700
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75297172
<b>Filing Date</b>	May 23, 1997
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	March 10, 1998
<b>Registration Number</b>	2307753
<b>Registration Date</b>	January 11, 2000
<b>Owner</b>	(REGISTRANT) SSM MARKETING, LLC LIMITED LIABILITY COMPANY CALIFORNIA 2308 Abbot Kinney Venice CALIFORNIA 90291  (LAST LISTED OWNER) W STERNOFF LLC LIMITED LIABILITY COMPANY WASHINGTON 12443 BEL RED ROAD, STE. 380 BELLEVUE WASHINGTON 980052534
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	KATHRYN J. SHULTZ
<b>Type of Mark Register</b>	TRADEMARK PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead  
Indicator LIVE

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TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE LIST	SEARCH OC	TOP	HELP	PREV LIST	CURR LIST
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## **EXHIBIT C**



**BODYGLIDE**  
band

in countries around the world

**Maximize Margins** • more than **50%**  
**Maximize Discounts** • up to **10%**  
Phone hotline (888) 263-9454  
Email [order@bodyglide.com](mailto:order@bodyglide.com)

## More Protection

since 1996

used against hot spots & blisters

**anti-chafing**  
skin protectant stick

the original

NOT  
Greasy!



co-branded trials available

	trials	travel size	regular size
whls	0.54	3.00	4.00
msrp	1.09	5.99	7.99
qty	100	24	24

### PROTECTION

Use to: prevent & relieve chafing  
that can also cause blisters

#### Better Because

One application is usually enough  
Not messy / No petroleum or oils  
Won't evaporate / No alcohol or water  
Stands-up to sweat and water  
Safe on neoprene and rubber



co-branded trials available

	trials	travel size	regular size
whls	0.64	3.50	4.50
msrp	1.29	6.99	8.99
qty	100	24	24

### MORE PROTECTION!

Use to: help protect against sun  
and to prevent & relieve chafing

#### Better Because

**ALL in 1 FORMULA**  
Not messy / No petroleum or oils  
Won't evaporate / No alcohol or water  
Stands-up to sweat and water  
Safe on neoprene and rubber



jump-start your activity  
get relief  
afterwards

**WARMFX**

Anti-Pain  
stick

feel the heat

travel size | regular size

whls	3.50	4.50
msrp	6.99	8.99
qty	24	24

### Comfort To Do More!

Use to: relieve tired muscles and joints  
to help reduce risk of injury

#### Better Because

Hot, Long Lasting Formula  
Mild Scent  
Easy to Apply  
Stands up to sweat and water

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# CONCORD MONITOR

Thursday, August 26, 2008

The news you need now



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## Lessons in keeping blisters from popping up

Plus a 10-step plan to buy boots

By TIM JONES  
For the Monitor

Font size [A](#) [A](#) [A](#)  
[Print article](#)  
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August 25, 2008 12:01 a.m.

Blisters are a fact of life for hikers. Almost everyone will get a blister at some point in their hiking career; or, if you are like me, many blisters over the course of a lifetime. If you aren't getting the occasional blister, you're either really lucky or, more probably, you aren't hiking enough.

But if you look at it another way, most blisters are a sign of failure. A blister sometimes means your boots didn't fit properly or weren't adequately broken in before you started your hike. It might also mean you chose the wrong socks, didn't change them often enough, or that you ignored a warning sign that a blister was developing. Finally, it may simply mean that you haven't walked and hiked enough to keep your feet in good shape.

Blister prevention starts with the right footwear. I've addressed that at length below. But even with perfect boots and socks, a long day on rough trail can raise blisters.

If you are prone to blisters, you might start your day by covering your feet with "Bodyglide," (bodyglide.com) designed to reduce the friction that causes blisters. I've never tried it, but my sweetheart Marilyn swears by it. Foot powders can also help by keeping skin dry and reducing friction.

As you walk, pay attention to your feet. If you feel any heat or discomfort - blisters always start as a hot spot - stop immediately and address it, even if it means making your companions wait. They are going to be a lot madder at you if you ignore it and suffer debilitating pain later. Don't try to tough it out!

Take your boots off. If your socks are damp or wrinkled, change them. Changing socks every few hours helps keep your feet happy.

If you have a spot that looks red or irritated or if you can see a small blister starting, cover it. Dr. Scholl's (drsoll.com) "Moleskin" (available at any drug store) is the traditional fix and still works well, but their "Blister Treatment" pads or the "2nd Skin" pads from Spenco (spenco.com) are even better.

If you follow these simple steps, you most likely won't ever need to treat any bigger blisters.

Big blisters are a major pain. They can ruin a day, and, if they get infected, can ruin a trip. But remember, a blister is a natural pad for an irritation; never drain it unless there's so much pressure that you simply have to. If you do drain it (or if the skin breaks on its own), leave the skin on for padding, then put on a touch of antibiotic ointment, cover it with a sterile pad, and protect it with one of the products mentioned above.

But you are far better off preventing blisters than treating them.

Blisters are a sign of failure, but they can also be a sign of success. If you get a blister while you're hiking, at the very least it means you went hiking.

Life isn't a spectator sport. Get out and enjoy!

for every step

and your trust

Thank you



Used Around The World  
By Runners Just Like You

- anti-blisters
- anti-chafing
- sun screen
- muscle activator

bodyglide.com

**free shipping** on any order\* of \$25

\*Fast, nonprescription orders only.

**drugstore.com**  
the uncommon drugstore

welcome ([sign in](#)) | [view shopping bag](#) | [log out](#)[your account](#) | [your list™](#) | [you](#)

pharmacy	<b>medicine cabinet</b>	home medical	oral care	hair care	skin care	makeup & accessories	vitamins	ENC	diet & fitness	food & gourmet
green & natural	men's	personal care	summer	household	pets	baby & mom	toys & games	sexual well-being	contact lenses	BE

SEARCH: **BOGO SALE**

while supplies last!

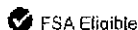
hurry, sale ends September 15th



**your shopping bag**  
no items in bag  
[view details](#) | [checkout](#)

browse: [medicine cabinet](#) | [foot care](#) | [blisters](#) | [Bodyglide store](#)**Bodyglide Anti-Blister & Chafing Stick 1.3 oz (36.9 g)**★ ★ ★  
[read](#)**Product Info**[package details](#)[customer reviews](#)

Talk about this item:

[e-mail a friend](#)[write a review](#)**Related Products:**[athlete's foot & antifungals](#)[bunions](#)[callus](#)[comfort insoles & cushions](#)[corns](#)[More in medicine cabinet](#)Visit our [Bodyglide Store](#)See what other customers of this item also [shopped for](#) and

FSA Eligible

our price: \$7.99

quantity:  [Add](#)[Save](#)

availability: in stock

[see larger photo](#) **Everyday Free Shipping**

Don't let your active summer get knocked off-track. All non-greasy Bodyglide stops friction and creates a protect on your skin – preventing chafing, blisters, rash, saddle sores and skin irritation.

**Package Details**

Prevention is Better Than a Cure™.

Non-Greasy, No Mess, No Petroleum, all natural vitamin E &amp; Aloe

Easy to use stick. Invisible. Non-oily. Goes on without a mess. Best when used before trouble starts!

Protect head to toe against blisters and chafing from rubbing. Also a superior moisturizer. U just one application.

- **Upper Body:** for irritation from bras (sports bras), under arms, nipple rub.
- **Thighs & Groin:** For chafing caused by rubbing and for saddle sores.
- **Feet:** Helps prevent blisters, hot-spots, cracked heels and dry skin (also for corns and

Great for feet, with athletic shoes, sandals, strappies, casual dress shoes and heels. Use wit

Prevention is Better Than a Cure

# BODY GLIDE

one line for everything


Running, Climbing, Rowing, Canoeing,  
Cycling, Nordic Walking, Hiking,  
Downhill & Cross-Country Skiing,  
Trekking, Skiing, Water Skiing,  
Surfing, Diving, Sailing

Visit us at  
**Outdoor  
Retailer**  
Booth #38150

skin protectants  
for sports  
& outdoor

body & feet

bodyglide.com





**"IRRITATED" WITH YOUR WORKOUT???**



**BODYGLIDE® CAN HELP GIVE YOUR ROUTINE A LIFT THIS FALL**

You should be proud of yourself! Getting to the gym after loading up on hot dogs and beer at last night's game isn't easy. Just don't let unexpected annoyances get in the way of your good intentions. Irritation from your shoes or thighs rubbing together can interfere with your workout and make you want to quit. But, here's a cool trick to help maximize your workout without skipping a beat. Pop a stick of **BODYGLIDE® Anti-Chafing Skin Protectant Stick** in your gym bag. It eliminates the rubbing and chafing that causes annoying blisters and skin irritation. It makes you feel comfortable, but sorry guys it won't do the running for you!

When it comes to a skincare product, simple is best, and you're in luck! **BODYGLIDE Anti-Chafing Skin Protectant Stick** is as easy as it gets. Just apply it (like a deodorant) on your body wherever irritation, rubbing or chafing may occur. Invisible, mess-free, and water-resistant, it allows your skin to breathe easily and perspire without clogging your pores. And, it's long lasting so you won't need to reapply it between reps. Perfect for all sports, this great product is recommended for running, biking and hiking and it's even great for tri-athletes and divers because it doesn't contain petroleum and other ingredients that break down neoprene.

For those of you, and you know who you are, who like to run outdoors without your shirt on...**BODYGLIDE® Anti-Chafing Skin Protectant** also comes in a **2-Formulas-In-1 Skin Protectant Stick** with SPF 25. Now you can be protected from all angles - the sun, blisters AND irritation. Does it get any better than that?

**CONTACT:** Alexis Fabricant/ Michelle Olson  
The Lane Communications Group • 212-757-6880  
afabricant@thelcgroup.com/molson@thelcgroup.com

## **EXHIBIT D**

From: Mark Sullivan <msullivan@formula4media.com>  
Subject: **FW: Body Glide Kit For Athletes**  
Date: August 13, 2008 7:50:48 AM PDT  
To: "Bill Sternoff" <bill@bodyglide.com>  
▶ 3 Attachments, 100 KB

Is this related to your company? If so, we'll give you some coverage for sure.

Mark Sullivan  
Formula 4 Media  
Jacor Building  
22 Paterson Ave.  
Midland Park, NJ 07432  
646-319-7878  
201-612-6677

---

From: Carlos Torres [[maffto:ctorres@is2comm.com](mailto:maffto:ctorres@is2comm.com)]  
Sent: Tuesday, July 29, 2008 6:46 PM  
To: [msullivan@formula4media.com](mailto:msullivan@formula4media.com)  
Subject: Body Glide Kit For Athletes

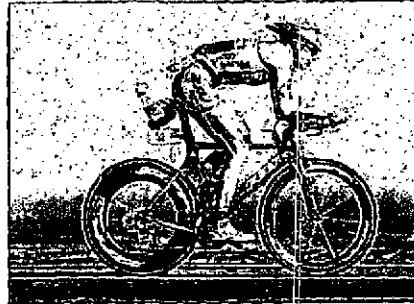
## **WET International, Inc. Introduces Their New Body Glide Kit for Athletes**

As a maker of some of the world's best selling intimacy products, Wet understands friction. Top trainers recommend using body glide to eliminate and/or reduce chaffing and blistering when running, biking, and swimming.

Prepare your skin for success with these premium products.

**Inttmo by Wet Rash Free Total Body Shave Kreme-Kiss** those little bumps goodbye!

- Great for shaving legs, chest, back, head, face, and intimate areas alike
- Softens skin and plumps hair to prepare it for shaving leaving it soft and sleek
- Unscented formula works well for him and for her



**Wet Platinum Premium Body Glide**-High performance silicone lubricant!

- Sweat? No Sweat! Does not break down in water so it stays wet through sweat and swim. Ultra long-lasting with little need for reapplication
- Heart & Sole! Apply to the skin under the arms, under sports bra bands and liberally to feet and toes to alleviate friction and blistering
- Sensitive Spots! Nipples, inner thighs, and groin area are especially prone to chaffing during endurance training. Wet Platinum is hypoallergenic, oil-free and great for even sensitive skin

Wet products are available at [Walgreens.com](http://Walgreens.com), [Drugstore.com](http://Drugstore.com), [Amazon.com](http://Amazon.com), leading pharmacies nationwide and



love boutiques in 62 countries.

I would greatly appreciate it if you could consider Wet's Body Glide Kit for any sports related stories or athletic product must-haves. For more information or product requests, please contact **Carlos Torres** at [ctorres@js2comm.com](mailto:ctorres@js2comm.com) or 323.866.0880 ext. 109.

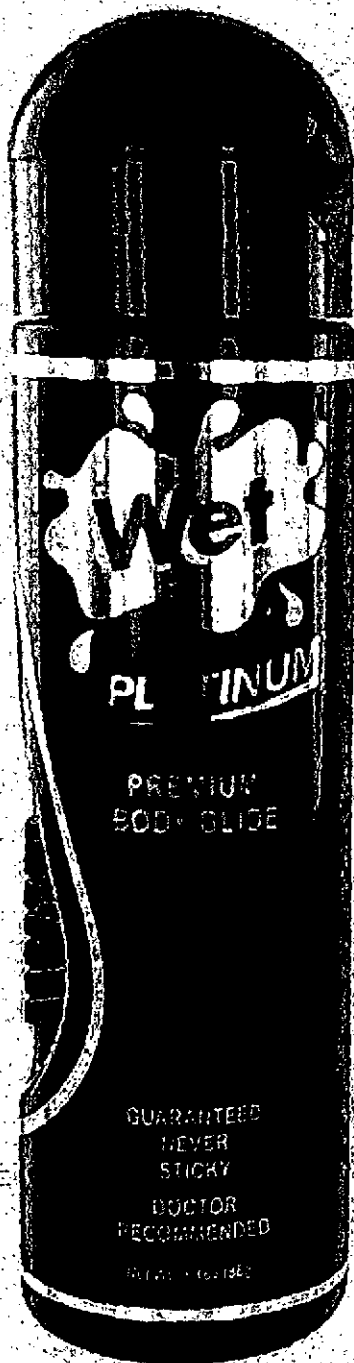
Best,

Carlos Torres | Senior Account Executive  
JS<sup>2</sup> Communications  
661 N. Harper Avenue, Suite 208 | Los Angeles, CA 90048  
O: 323.866.0880 ext. 109 | F: 323.866.0881 | C: 323.445.1710  
[ctorres@js2comm.com](mailto:ctorres@js2comm.com) | [www.js2comm.com](http://www.js2comm.com)

No virus found in this incoming message.  
Checked by AVG.  
Version: 7.5.524 / Virus Database: 270.5.0/1579 - Release Date: 7/29/2008 6:43 AM

No virus found in this outgoing message.  
Checked by AVG.  
Version: 7.5.524 / Virus Database: 270.6.0/1602 - Release Date: 8/9/2008 1:22 PM

## **EXHIBIT E**



With us, it's personal.

Store #05176  
120 106TH AVE NE  
BELLEVUE, WA 98004  
(425) 454-6513

Register #7 Transaction #116580  
Cashier #51767684 8/13/08 9:27AM

1 WET PLATINUM LUB	3.12	9.99 T
1 WET PLATINUM LUB	3.12	9.99 T

2 Items	Subtotal	19.98
	Tax	1.80
	Total	21.78

\*PAID BY VISA \* 21.78

VISA card \* XXXXXXXXXXXXX4220

App # AUTO

Ref # 02595C

Card Present

Tendered	21.78
Cash Change	.00

Internet Refills at [RateAid.com](http://RateAid.com)  
powered by [drugstore.com](http://drugstore.com)  
1-800-RITEAID for customer service

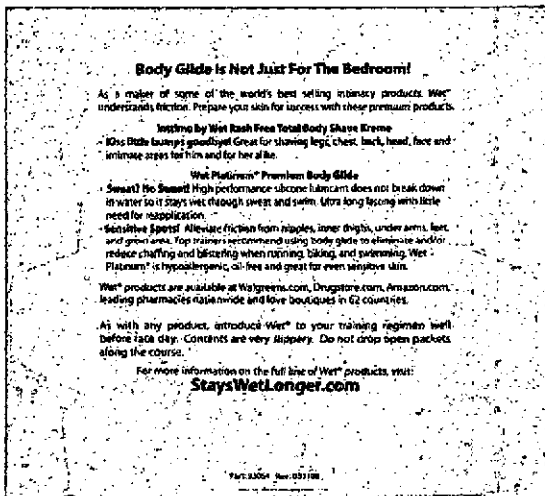
## **EXHIBIT F**



1 Front Cover of "Body Glide Kit" - approx. 4"w x 2-1/2" h



2 Back Cover "Body Glide Kit"



"Top Trainers recommend using body glide to eliminate and/or reduce chaffing and blistering when running, biking, and swimming"

3 Text Inside "Body Glide Kit" Package



4 Pouch Samples Inside "Body Glide" Kit



5 Front of Coupon Inside "Body Glide" Kit

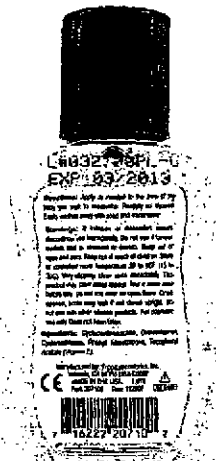


6 Back of Coupon Inside "Body Glide" Kit

images  
of products  
using  
"Body Glide"  
on labels



7 Platinum Premium "Body Glide" Sample Bottle

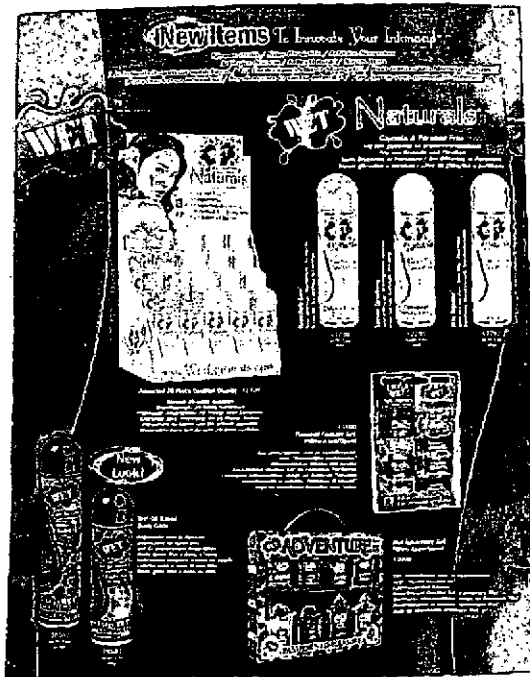


8 Back of Platinum Premium "Body Glide"  
Sample Bottle

Manufactured by Trigg  
Laboratories, Inc., Valencia,  
CA 91355 USA"



9 Front Cover of Catalogue - 8 pages



10 Brochure Page 2 - showing products with "Body Glide" text



11 "Enriched Body Glide" on Page 2 of Brochure



12 "Wet Oil Based "Body Glide" on Page 2 of Brochure

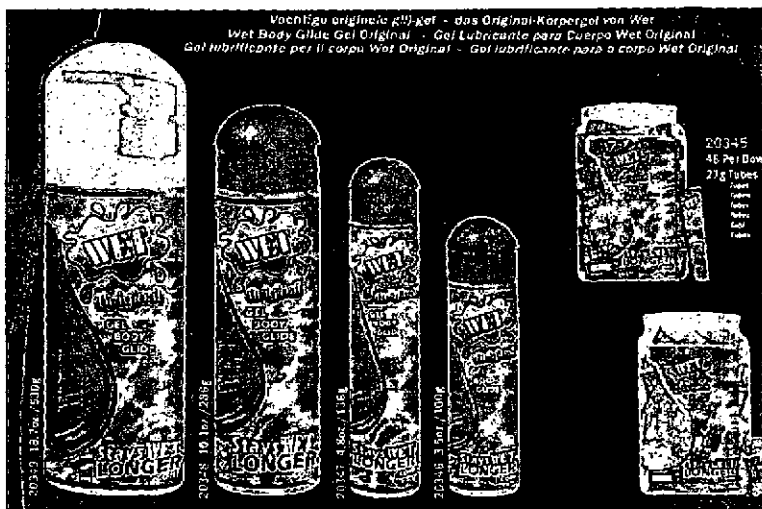




14 Light Liquid "Body Glide" on Page 3 of Brochure



15 Light Liquid "Body Glide" Pillows on Page 3 of Brochure



16 Wet Original Gel "Body Glide" and Tubes on Page 3 of Brochure



17 Wet Gel "Body Glide" Tubes & Pillows  
on Page 3 of Brochure



18 Page 4 of Brochure



19 Warming Intimate "Body Glide" on Page 4



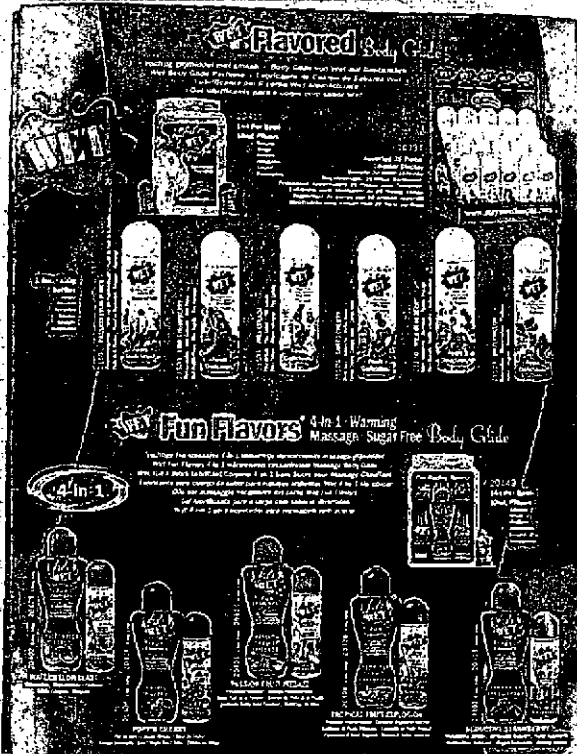
20 Warming Intimate "Body Glide" Pillows on Page 4



21 Wet Platinum Premium "Body Glide" on Page



22 Wet Platinum Premium "Body Glide" Pillows on Page 4 of Brochure



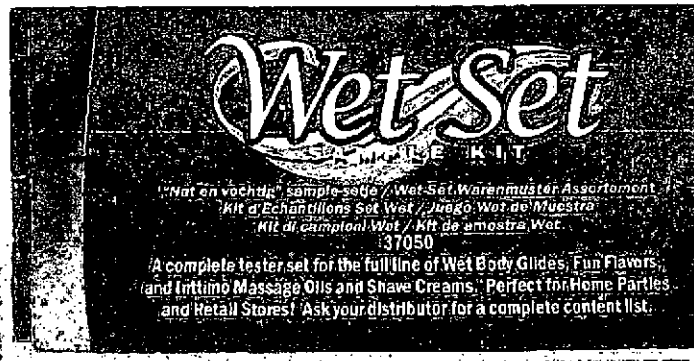
23 Page 5 of Brochure



24

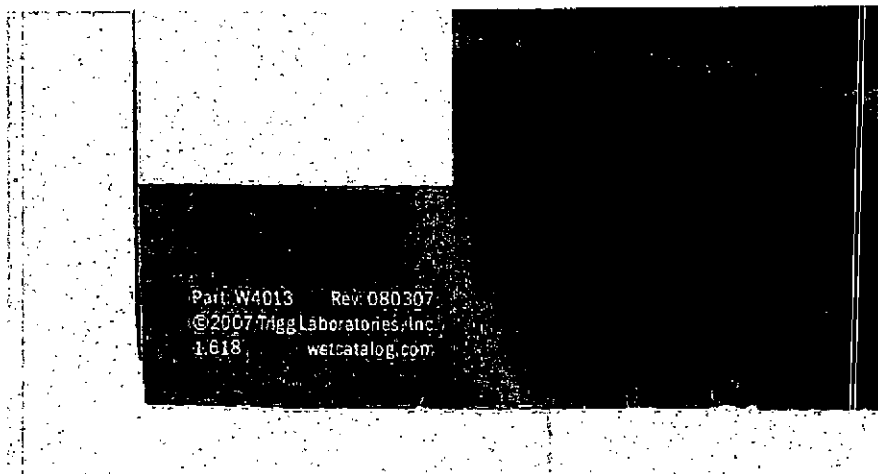


2



"...A complete tester set  
for the full line of  
Wet Body Glides..."

26 Statement on "Body Glides" on Page 7 of Brochure



27 "Trigg Laboratories, Inc." on Page 8 of Brochure